REMARKS

This response is being filed with an RCE.

The following remarks are responsive to the Office Action mailed February 5, 2008. Reconsideration of this application, as amended, is respectfully requested. Claims 26-52 were pending when the present Office Action was mailed on February 5, 2008.

In the Final Office Action, all the pending claims are rejected. Claims 26, 28, 31, 33, 35, 37, 40, 42, 44, 47, and 52 have been amended. Claims 34 and 43 have been cancelled. No new matter has been added.

Interview Summary Statement

A telephonic interview was conducted between the Examiner Quang N. Nguyen, and applicant's representative, Yenyun Fu (Reg. 59,141). The undersigned representative wishes to thank Examiner Nguyen for the telephonic interview conducted on March 5, 2008. During the telephone conference, independent claim 26 and cited reference Albal were discussed. Although no particular agreement was reached, Examiner Nguyen indicated that the current amendments made to the independent claims would likely overcome reference Albal.

35 U.S.C. §103(a) Rejections

Claims 26-52

The Examiner has rejected claims 26-52 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,596,765, to Ksiazek (hereinafter "Ksiazek") in view of U.S. Patent Publication No. US 2003/0147518, to Albal et al. (hereinafter "Albal"). Applicant respectfully disagrees.

Reference 'Ksiazek'

1. Ksiazek does not disclose detecting a speaking voice;

2. Ksiazek does not disclose identifying a second voice character using the detected speaking voice;

3. Ksiazek does not disclose changing from a first voice character to the second voice character;

Ksiazek discusses a system and method for multiple language access in a telephone network (Ksiazek, Title). The system of Ksiazek includes a programmed operator services position system for assigning a language to the telephonic call (Ksiazek, Abstract). Applicant submits that the Ksiazek does not disclose, suggest, teach, and/or motivate detecting a speaking voice. Applicant further submits that since Ksiazek does not disclose detecting a speaking voice, there is no rationale for Ksiazek to disclose identifying a second voice character using the detected speaking voice nor changing to the second voice character. Indeed, Ksiazek neither discloses "identifying a second voice character" nor "changing to the second voice character". The Examiner admits this.

The Examiner states that "Ksiazek does not explicitly teach detecting a speaking voice associated with the caller through the voice portal interaction with the caller; identifying a second voice character based on the detected speaking voice associated with the caller; and changing from the first voice character to the second voice character when further audibly interacting with the caller" (Page 3 of Office Action mailed February 5, 2007). Applicant agrees with the Examiner's admissions.

4. Ksiazek teaches away

Applicant further submits that Ksiazek teaches away from the teachings of applicant's claimed subject matter at least in the independent claims. The disclosure of Ksiazek teaches away from the combination suggested in the Office Action by specifying that an assigned language is maintained throughout the duration of a call.

For example, Ksiazek states:

> *"The identification of the assigned language for telephone operator service is preferably maintained throughout the duration of the call." (Column 3, lines 57-59)*

Since the assigned language is preferably maintained throughout the duration of the call in Ksiazek, there is no motivation for Ksiazek identify a second voice character. Furthermore, the assigned language is maintained in Ksiazek, contrary to teachings of the changing of a voice character claimed by the applicant.

Reference 'Albal'

1. Albal does not disclose identifying a second voice character using the detected speaking voice;

2. Albal does not disclose changing from a first voice character to the second voice character;

3. Albal does not disclose "permitting a caller to select a third voice character";

4. Albal does not disclose "changing from the second voice character to the third voice character";

Albal discusses a system and method of identifying a caller. In Albal, a subscriber number is inputted into a first communication device to place a call to a subscriber of the communication system and the call is routed through a transport system to a communication node (Albal, Abstract). The communication node of Albal answers the incoming call from the carrier network and retrieves appropriate announcement from a database, server, or browser (Albal, [0046]).

The Examiner asserts that "Albal teaches identifying a voice character based on the detected speaking voice associated with the caller and changing from the first voice character to the second voice character" (Page 5 of Office Action mailed March 7, 2007). Applicant respectfully disagrees.

In Albal, in response to audio inputs from the user, the communication node retrieves information from a destination or database. After the information has been retrieved, the communication node provides a response to the user based on the retrieved information (Albal, [0046]. Although the communications node of Albal can provide various dialogue voice personalities and implement various grammars (i.e., vocabulary), these features are provided such that the system of Albal can *interpret the user audio input* to detect and respond to the audio inputs from the user (Albal [0047]). In particular, Albal states that "the communication node can *automatically select various speech recognition models* (i.e., an English model, a Spanish model ...) based upon a user profile, the user's communication devices, and/or *the user's speech patterns* (Albal [0047]).

A suitable speech recognition model in Albal is identified based on the user's voice input to provide 'speech recognition' for the user's voice input. The suitable speech recognition is identified, for example, in Albal, to *determine the content of the audio input* from a user and to provide a response to the user (Albal [0047]). Therefore, the system of Albal detects audio inputs from the user to select a "speech recognition model", rather than to identify a voice character, as claimed by applicant in the independent claims. Since Albal does not disclose, suggest, and/or motivate identifying a second voice character using the detected speaking voice, there appears to be neither need nor logical mechanism for Albal to change from one speaking voice to another, as claimed by applicant.

Applicant further submits that Albal does not disclose the claimed subject matter currently added to the independent claims of "*permitting the caller to select a third voice character*" or the claimed subject matter of "*changing from the second voice character to the third voice character*".

3. Albal teaches away

Applicant further submits that the disclosure of Albal teaches away from the combination suggested in the Office Action by specifying that the ASR (automatic speech recognition unit) is speaker independent, thus teaching away from applicant's claimed subject matter of "detecting a speaking voice associated with the caller."

For example, Albal states:

> *"The ASR unit 254 is preferably a **speaker independent** speech recognition software package" (Paragraph [0066])*

Since speaker independent speech recognition software packages are not able to detect speaking voices, the system disclosed by Albal cannot "detect a speaking voice" associated with the caller, as claimed by applicant in independent claims 26, 35, and 52.

The Alleged Combination of Ksiazek and Albal

The Examiner asserts (Page 5 of Office Action mailed March 7, 2007) that "it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Albal and Ksiazek to achieve the claimed invention ... " Applicant respectfully disagrees.

References cannot be combined where references teach away from their combination (MPEP 2145 X.D.2) since it is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983).

Applicant has firmly established that Ksiazek teaches away from applicant's claimed subject matter of "changing from the first voice character to the second voice character" by explicitly stating that the assigned languages should preferably be ***maintained***. Applicant has further established that Albal teaches away from applicant's claimed subject matter of "identifying a second voice character using the detected speaking voice" by suggesting that a ***speaker independent*** speech recognition model is preferable for the Albal system. Therefore, applicant respectfully submits that the references Albal and Ksiazek cannot be combined.

Furthermore, based on at least the above stated reasons, even if Ksiazek and Albal were combined in a manner suggested by the Examiner in the Office Action mailed March 7, 2007, the resulting system and functions would be different from what is claimed in applicant's independent claims. Ksiazek does not disclose the claimed subject matter of "detecting a speaking voice associated with the caller", "identifying a second voice character using the detected speaking voice", and "changing from the first voice character to the second voice character", as claimed by applicant in independent claim 26. Similarly, Albal does not disclose the claimed subject matter of "identifying a second voice character using the detected speaking voice", and "changing from the first voice character to the second voice character", as claimed by applicant in independent claim 26.

Thus, applicant submits that the independent claim 26 is patentable over Ksiazek, Albal, and the alleged combination of Ksiazek and Albal. Based on similar reasoning and arguments, applicant further submits that independent claims 35, 44, and 52 are also patentable over Ksiazek, Albal, and the alleged combination of Ksiazek and Albal.

Thus, at least for the above stated reasons, the withdrawal of the rejection for the independent claims 26, 35, 44, and 52 is respectfully requested.

Dependent Claims

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicants' silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim. Therefore, the remaining dependent claims are also patentable over the cited references. The withdrawal of the rejections under 35 U.S.C. §103(a) is respectfully requested.
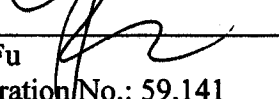
In view of the above amendment, applicant believes the pending application is in condition for allowance.

Please charge any deficiencies or credit any overpayments to our Deposit Account No. 50-2207, under Order No. 418268640US8 from which the undersigned is authorized to draw.

Dated: *May 5, 2008*

Respectfully submitted,

By_____

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